

Petitioners

ORDER EXTENDING TEMPORARY STANDSTILL

BY THE COMMISSION:

I. Introduction and Background

Pursuant to Order entered in this cause on March 9, 2005,¹ Oral Arguments in this matter were held on March 29, 2005. Counsel for BellSouth Telecommunications, Inc. ("BellSouth"), MCImetro Access Transmission Services, LLC ("MCI"), ITC^DeltaCom Communications, Inc. ("DeltaCom"), and Joint Petitioners NuVox Communications, Inc., Xspedius Management Company Switched Services, LLC and its operating subsidiaries KMC Telecom III, LLC, KMC Telecom V, Inc. (the "Joint Petitioners") participated in said arguments.

The arguments presented at the proceedings of March 29, 2005 were rather extensive with each of the parties submitting multiple authorities in support of their respective positions. In light of the extensive nature of the evidence to be considered by the Commission, we have determined to defer a decision on the merits of the issues presented in this matter until the next public meeting of the Commission scheduled for May 3, 2005. In addition to allowing more time for a thorough review of the information already presented to the Commission, delaying our decision on the merits herein will also allow the Commission to consider rulings from various federal district courts in the BellSouth region which are expected to be issued prior to the next public meeting of the Commission.

Based on the foregoing, we hereby find that the public interest will best be served in this cause by extending the Temporary Standstill Order previously entered by the Commission in this matter on March 9, 2005. As previously directed in that Order, BellSouth shall, until further notice from the Commission, continue to honor the entirety of the rates, terms and conditions set forth in its existing interconnection agreements with CLECs in Alabama provided the agreements in question have been

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submitted to and approved by this Commission. BellSouth shall not, until further notice from this Commission, cease the provision of any UNE required to be provided pursuant to an existing interconnection agreement and shall provide such UNEs according to the rates established or otherwise referenced in such agreements. As emphasized in the Commission's March 9, 2005 Order, the parties are instructed to continue the tracking of UNEs and/or "new adds" provisioned on and after March 11, 2005 for purposes of a possible true up of the UNEs/"new adds" so provided by BellSouth in accordance with the provisions of the Federal Communications Commission's *Triennial Review Remand Order* or any superseding commercial agreements entered by and between BellSouth and affected carriers.²

IT IS SO ORDERED BY THE COMMISSION.

IT IS FURTHER ORDERED BY THE COMMISSION, That jurisdiction in this cause is hereby retained for the issuance of any further order or orders as may appear to be just and reasonable in the premises.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 15th day of April, 2005.

ALABAMA PUBLIC SERVICE COMMISSION

Jim Sullivan, President

Jan Cook, Commissioner

George C. Wallace, Jr., Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary

¹ *Temporary Standstill Order and Order Scheduling Oral Argument*

² *In the matter of Unbundled Access to Network Elements; Review of the §251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 04-313 and CC Docket No. 01-338, *Order on Remand*, FCC 04-290 (released February 4, 2005) (the "TRRO")